

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BELEN A. HOLBROOK, individually,
as Next Friend of A.H., a minor, and
as Personal Representative for
Wrongful Death claims,**

Plaintiff,

v.

Case No. 2:20-cv-00092-SMV-GJF

UNITED STATES of AMERICA,

Defendant.

ORDER APPROVING MINOR SETTLEMENT AND DISBURSAL

THIS MATTER, having come before the Court after settlement between the parties and the Court having:

- 1.) Received and reviewed the report of the court-appointed Guardian ad Litem, Gabrielle Valdez;
- 2.) Been informed of the circumstances of the death of Charles Holbrook, the settlement between the parties, the proposed distribution to the minor child and the trust being established to protect all monies received until she reaches the age of majority; and
- 3.) Held a telephonic hearing on October 14, 2020, with all parties present;

FINDS,

- A.) The settlement amount is appropriate and should be approved;
- B.) The division of the settlement between wrongful death and loss of consortium claims is appropriate and should be approved;

- C.) The division of wrongful death proceeds on a 50-50% basis between Mr. Holbrook's wife and daughter as his surviving beneficiaries is appropriate under the New Mexico Wrongful Death Act, NMSA 41-2-1, et. seq. and is approved.
- D.) The attorney fees and costs are fair and reasonable and are approved;
- E.) The Guardian ad litem report is to be sealed to the public, but will be available on request to Mr. Holbrook's statutory beneficiaries or their representatives; and
- F.) This settlement is fair and reasonable in all respects and is approved.

IT IS SO ORDERED.



HONORABLE STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

/s/ **Randi McGinn**

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